

IN THE KENTUCKY PUBLIC SERVICE COMMISSION

IN RE: INVESTIGATION:

Case No. 2003-00433
AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,
TERMS, AND CONDITIONS OF LOUISVILLE GAS AND
ELECTRIC COMPANY

and

Case No. 2003-00434
AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND
CONDITIONS OF KENTUCKY UTILITIES COMPANY

* * *

SWORN STATEMENT

OF

DOROTHY O'BRIEN

JULY 29, 2005

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8/12/05 [Signature]

A P P E A R A N C E S

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COMMISSION:

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FOR THE WITNESS:

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1
2 The sworn statement of DOROTHY
3 O'BRIEN, taken in the offices of Goldberg & Simpson,
4 3000 National City Tower, 101 South Fifth Street,
5 Louisville, Kentucky, on Friday, the 29th day of
6 July, 2005, at approximately 9:00 a.m.

7
8 EXAMINATION

9
10 BY MR. GOLDBERG:

11 Q. Would you state your name, please.

12 A. Dorothy O'Brien, O, apostrophe,
13 B-R-I-E-N.

14 Q. All right. And your business address?

15 A. 220 West Main, Louisville, Kentucky.

16 Q. And your occupation?

17 A. Attorney.

18 Q. All right. And who are you an
19 attorney for?

20 A. Louisville Gas & Electric.

21 Q. As I was told by Mr. McCall,
22 Louisville Gas & Electric Energy, LLC?

23 A. LG&E Energy, LLC, would be appropriate
24 for the record, so thank you.

25 Q. How long have you been there?

1 A. Twelve years.

2 Q. Okay. And just so I have a sense of
3 what you do there, could you describe that for me?

4 A. Official title is deputy general
5 counsel. Overall responsibility, obviously,
6 reporting to McCall for the legal affairs of the
7 company. Eleven lawyers, four paralegals,
8 administrative staff, who cover a range of legal
9 issues from regulatory to environmental to litigation
10 and so on. So a small size firm with types of legal
11 issues you would expect a company the size of LG&E to
12 have.

13 Q. Okay. Do you manage any other persons
14 other than persons in the law department?

15 A. I do not.

16 Q. Okay. Let me give you, by way of
17 example -- I asked Mr. McCall the same question --
18 specifically asked him whether or not Mr. George
19 Siemens reported to him and he said that he did.

20 A. Yes.

21 Q. Does Mr. Siemens report to you?

22 A. He does not.

23 Q. So your charge, as I understand it,
24 then, is lawyers and resultant administrative
25 personnel.

1 A. That's correct.

2 Q. Fair enough. Tell me what your duties
3 are, if any, as it relates to regulatory activity
4 before the Public Service Commission.

5 A. The regulatory function from a legal
6 perspective of the company would report to me. We
7 have in-house lawyers, one at the time, Beth
8 Cocanougher, with that responsibility. With Beth's
9 direct supervision and collaboration, we engage
10 outside counsel to assist us in that endeavor. And
11 in my role I would have whatever involvement is
12 appropriate on discrete matters, but generally would
13 defer to Beth for the hands-on management of
14 particular cases before the PSC.

15 Q. Okay. Is it fair to say that you
16 would have oversight responsibility as opposed to
17 hands-on responsibility for matters dealing with the
18 Public Service Commission?

19 A. Generally that would be true. From
20 time to time, I would have direct responsibility.
21 Let me -- let me rephrase that. I would have more
22 hands-on involvement than at other times, depending
23 on the particular matter.

24 Q. Going back to time period January 1st,
25 2003, through the hearing process in the two rate

1 cases, LG&E/KU, which we've focused in at mid June of
2 2004, are there any other persons, other than
3 Ms. Cocanougher, who were -- legal persons who were
4 doing work dealing with the Public Service Commission
5 on staff?

6 A. Yes.

7 Q. Okay. Who were they?

8 A. Linda Portasik, P-O-R-T-A-S-I-K, at
9 that time was our regulatory in-house counsel. Beth
10 became involved when she returned from a two-year
11 secondment to Powergen, our English affiliate. I
12 can't tell you the specific time frame when one
13 stepped out and another stepped in. But to the best
14 of my recollection, Beth's involvement was at the
15 very tail end or post rate case.

16 Q. Okay. Is it possible that she did not
17 participate at all up and through a decision from the
18 Public Service Commission which I believe was
19 June 15?

20 A. Yes.

21 Q. Okay. Fair enough. Now, when did you
22 first become aware that LG&E and/or KU was going to
23 file a rate case?

24 A. I cannot recall a specific date.
25 Obviously that's an evaluative process that would be

1 one that would be analyzed right up until the time
2 the decision was made, but it would have been some
3 period of time before the actual filing and enough
4 time, obviously, for us to have the opportunity to
5 prepare the appropriate paperwork. But I'm sorry,
6 Jon --

7 Q. Let me benchmark it for you.

8 A. Yeah.

9 Q. Your notice of filing -- do you have
10 an understanding of the term "notice of filing"?

11 A. I do.

12 Q. -- was in November of 2003. Do you
13 have a recollection that you participated in any way
14 in preparing the work on the two rate cases prior to
15 November of 2003?

16 A. Let me ask you to repeat your question
17 so that I'm responsive.

18 Q. Did you work on any of the -- did you
19 work on anything related to the rate cases prior to
20 notice of filing November 2003?

21 A. Yes.

22 Q. Okay. Tell me what you worked on that
23 you can recall.

24 A. "Worked on" is a broad term.

25 Q. Sure.

1 A. And applying it in its broadest sense,
2 I would have had limited involvement in the
3 discussion about strategy that would be employed as
4 we developed our proof in the rate case. I did not
5 work directly on the preparation of the papers.

6 Q. Okay. Did you work with any of the
7 experts on their testimony?

8 A. Yes.

9 Q. Okay. And did you work with outside
10 counsel?

11 A. Yes.

12 Q. So fair to say you would have attended
13 meetings and engaged in activities like that?

14 A. Yes.

15 Q. Okay. The actual filing is December
16 of 2003. And let me ask you, do you in your duties
17 have occasion to come in contact with staff members
18 of the Public Service Commission?

19 A. I have had contact with staff members
20 of the Public Service Commission. It is not a
21 regular or routine part of my job responsibilities.

22 Q. Okay. Focusing in on the two rate
23 cases, and in that time period prior to filing, okay,
24 did you have any contact with any employees of the
25 Public Service Commission, staff employees, about the

1 two rate cases prior to the filing?

2 A. No.

3 Q. Okay. And again, that was filing late
4 December 2003. To be sure that we're communicating
5 with each other, let me give you some names of some
6 persons. Let's first see if you know these persons.
7 I've represented to you they're all staff people at
8 the Public Service Commission. Do you know Mr. Isaac
9 Scott?

10 A. I know the name.

11 Q. Have you ever met him?

12 A. Probably.

13 Q. Okay. Did you talk to him about the
14 two rate cases prior to filing in December of 2003?

15 A. No.

16 Q. Mr. Jeff Shaw, do you know him?

17 A. Yes.

18 Q. Did you talk to him about the rate
19 cases prior to filing December 2003?

20 A. No.

21 Q. Okay. Do you know a Mr. Faud Sharifi?

22 A. I don't recall if I've met him.

23 Q. Okay. Do you know whether or not you
24 had conversation with him about the rate cases prior
25 to December of 2003, the date of filing?

1 A. I did not.

2 Q. Do you know Ms. Andrea Edwards?

3 A. I do not.

4 Q. Okay. It's fair to say you didn't
5 talk to her about the rate cases prior to December of
6 2003?

7 A. That's correct.

8 Q. Now, do you know any of the Public
9 Service Commissioners?

10 A. Yes.

11 Q. Okay. Which ones do you know?

12 A. I have met Mark David Goss, Marty
13 Huelsman, Ellen Williams. Those are the names that I
14 recall now.

15 Q. Okay. Do you recall how you met -- in
16 what context you met Mr. Huelsman?

17 A. In the rate case proceeding, and
18 perhaps in a prior proceeding I may have come in
19 contact with him. I don't recall, but it would have
20 been in the context of an appearance before the
21 Public Service Commission in the rate case.

22 Q. Except for an appearance of record in
23 the rate case, did you have any other contact with
24 Mr. Huelsman?

25 A. No.

1 Q. All right. And as a follow-up, with
2 regard to the two rate cases, LG&E and KU.

3 A. Did I have --

4 Q. Any contact with Mr. Huelsman with
5 regard to the rate cases, LG&E/KU, and let me refer
6 to them as 00433 and 00434.

7 A. And is the question other than
8 entering an appearance?

9 Q. Yes.

10 A. No.

11 Q. Okay. Let's leave Mr. Goss and
12 Ms. Williams over to the side because my question
13 that we've been working through is prior to filing,
14 and they were not on the scene as of late
15 December 2003. With that -- with that context, let
16 me ask you about a couple of other commissioners that
17 were. Do you know or have you ever met Mr. Gary
18 Gillis?

19 A. Not that I recall.

20 Q. Okay. And do you know and have you
21 ever met Commissioner Bob Spurlin?

22 A. Same response.

23 Q. Okay. Do you know Tom Dorman?

24 A. Yes.

25 Q. Okay. Have you ever had opportunity

1 to discuss with Mr. Dorman the two rate cases prior
2 to filing in December of 2003?

3 A. No.

4 Q. Okay. And can you tell me the context
5 of how you know Mr. Dorman?

6 A. Same way that I've met the other
7 Public Service Commission staff. I would have met
8 him either in the building in connection with a
9 formal appearance or may have been introduced to him
10 outside the hearing room.

11 Q. Okay. Let's segue to another subject.
12 Are you familiar with a company North American
13 Stainless?

14 A. I am.

15 Q. Are you familiar with a dispute, for
16 lack of a better term, between North American
17 Stainless and KU with regard to the amount that North
18 American Stainless was paying for electricity?

19 A. Broadly speaking, yes.

20 Q. Okay. Who on staff would have been in
21 charge of that particular dispute, if you can recall?

22 A. I do not recall.

23 Q. Okay. Do you know whether you
24 participated in dealing with those issues other than
25 as oversight meeting at a line responsibility for

1 those things?

2 A. Was the front end of your question did
3 I have such responsibility?

4 Q. Yes.

5 A. The answer is no, in terms of direct
6 communication.

7 Q. Okay. Who was responsible for either
8 direct communication or oversight on the legal --
9 in-house legal team at LG&E?

10 A. Let me think back in time. From the
11 business side, I have a recollection of Martyn
12 Gallus' involvement. And my recollection is that
13 Walter Sales may have played a role in that, but we
14 did not have an in-house lawyer that was directly
15 involved in that.

16 Q. Let me frame it for you even a little
17 better. In September of 2003, North American
18 Stainless files a complaint with the Public Service
19 Commission with regard to the rates it was paying,
20 and it's my understanding that sometime after that KU
21 filed a tariff request with the Public Service
22 Commission. All of that was of record prior to
23 notice of filing in November of 2003. And the reason
24 why it is of interest is -- I'm sure you know this --
25 that matter was consolidated with the two rate

1 cases --

2 A. I do.

3 Q. -- and was part and parcel of the
4 issues presented to the Public Service Commission in
5 the spring of 2004. So what I'm trying to understand
6 is what, if anything, you know about the North
7 American Stainless matters.

8 A. Enough that I would say that I'm aware
9 of the dispute, not enough to comment on the
10 specifics.

11 Q. Okay. Well, you've got the counsel,
12 right?

13 A. Okay.

14 Q. Okay. Now, between filing, which
15 would have been, as we've stated, end of
16 December 2003, and the informal conference, which
17 would have been April 28th, 2004, what participation,
18 if any, did you have in the rate cases?

19 A. I can't recall specific time frames,
20 but as the case developed, became more demanding in
21 terms of time and a need for resources, I became more
22 involved in that time frame in strategy, witness
23 preparation. So I would say in a transition mode,
24 without a specific date, of Linda Portasik's
25 involvement becoming lesser and mine becoming greater

1 in that time frame, my level of involvement
2 increased.

3 Q. Okay. Do you have a recollection by
4 way of example of having participated in document
5 requests?

6 A. I did not.

7 Q. Okay. Did you participate in the
8 procuring of testimony by experts?

9 A. Let me amend the answer I just gave
10 you, Jon.

11 Q. Okay.

12 A. There may have been occasions where
13 there were discussions where legal advice was sought
14 on whether a particular group of documents was
15 responsive to a request. I may have been involved in
16 some of those discussions. So with that amendment,
17 could you repeat your next question?

18 Q. Sure. Did you participate in the
19 procuring of expert testimony for the record during
20 that period?

21 A. I had some involvement in preparation
22 of witnesses and in review of testimony.

23 Q. Okay. Anything else you can think
24 that you did during that time period?

25 A. As it relates to experts?

1 Q. As relates to anything to deal with
2 the preparation of rate cases.

3 A. Broadly what you would expect, I
4 think, the role of an in-house lawyer to be. Being
5 sure that things were running well, that the clients
6 were well informed about the preparation, that
7 strategic decisions were being made at the right
8 level by the right people, that there was consensus
9 on issues, and that risks were appropriately defined.
10 A broader strategic role rather than discrete
11 individual tasks.

12 Q. I trust the discrete individual tasks,
13 as you've defined them, were left up to counsel who
14 had been hired by the company?

15 A. That would be fair.

16 Q. Okay. Now, during this period of
17 time, you ended up getting two new commissioners,
18 Mr. Mark David Goss -- and I believe you told me you
19 had met him sometime along the line?

20 A. Met him during commission proceedings
21 when I entered an appearance in the case.

22 Q. Other than that, have you ever had any
23 opportunity to meet him and discuss anything with
24 him?

25 A. I have not.

1 Q. Fair enough. Ms. Ellen Williams?

2 A. The same.

3 Q. Okay. So fair statement to say that
4 between time of filing and the hearing of the case,
5 first day April 28, 2004, you had no contact with
6 Chairman Mark David Goss or Ms. Williams.

7 A. That's correct.

8 Q. Okay. Let me ask you with regard to
9 the staff between the filing, end of December 2003
10 and the informal conference, April 28, 2004, did you
11 have any contact with the staff as we have defined
12 them?

13 A. When we reviewed the staff --

14 Q. About the rate cases, I'm sorry.

15 A. Okay. About the rate cases, I did
16 not. Let me amend that to say there may have been at
17 some point a procedural question. I don't recall it
18 now. Best of my recollection, no communication of
19 any kind with any staff member other than when the
20 rate case proceeding began. But I can't eliminate
21 the possibility that there may have been some
22 procedural question that might have been asked. I
23 don't recall it at this point.

24 Q. Okay. Well, let me add the last staff
25 member to the focus. Are you familiar with

1 Mr. Richard Raff?

2 A. I am.

3 Q. Do you have recognition of what his
4 role for the PSC was in the rate cases?

5 A. I did.

6 Q. Okay. And what was that?

7 A. I think Richard served the role as
8 legal advisor to the commission on the rate case.

9 Q. Okay. In fact, he was the lawyer for
10 the Public Service Commission on the staff?

11 A. That's my understanding.

12 Q. Okay. Did you have any conversations
13 with Mr. Raff between -- well, at any time about the
14 two rate cases other than in the context of once the
15 hearing started on April 28, 2004.

16 A. Any conversations with Richard Raff
17 about the rate case anytime before the rate case
18 proceeding began.

19 Q. Yes, ma'am.

20 A. Not to my recollection.

21 Q. Okay. Fair enough. Now, I'm
22 representing to you that April 28, 2004 is the date
23 of the informal conference. And let me first ask, do
24 you have a recollection of having been there for the
25 informal conference?

1 A. I do.

2 Q. Okay. And while this may be hard, do
3 you recall who, other than yourself, was present for
4 LG&E?

5 A. I do not have a specific recollection,
6 but I can say most probably that Kendrick Riggs was
7 present. And, to be honest in answering the
8 question, I have no specific recollection of anyone
9 that was there.

10 Q. Fair enough. But give me your best
11 recollection of the day's events of April 28, 2004,
12 if you have a specific recollection.

13 A. With embarrassment, I'll have to tell
14 you I do not.

15 Q. Okay. Prior to going to the informal
16 conference, were you assigned a specific role with
17 regard to the whole hearing procedures?

18 A. I was not assigned a specific role. I
19 think I had a specific role, so that's how I'd
20 respond to your question.

21 Q. All right. What was the specific
22 role?

23 A. It was generally to be sure that
24 things went as perfectly as they could. The role
25 that I think any lawyer in those proceedings would

1 have, to be sure that witnesses were well prepared,
2 that -- broadly, to be sure that the company's case
3 was well and ably presented.

4 Q. Okay. Do you have a recollection of
5 participating in any discussions with any of the
6 intervening parties, interveners, on that first date,
7 April 28, 2004?

8 A. I do not recall.

9 Q. Do you have a general understanding of
10 who the interveners were?

11 A. Broadly, yes.

12 Q. Okay. Give me your best recollection.

13 A. KIUC, the low income group, NAS, those
14 are the ones that come to mind immediately.

15 Q. How about the attorney general?

16 A. Yes.

17 Q. Okay. And Kentucky Department of
18 Energy?

19 A. I don't recall.

20 Q. Okay. Fort Knox?

21 A. I don't recall.

22 Q. Fair enough. Okay. Do I take it,
23 then, you don't have a recollection of having
24 participated in negotiations on April 28, 2004 or
25 discussions with the interveners?

1 A. I do not recall.

2 Q. Okay. Do you have a recollection of,
3 on April the 29th, participating in any discussions
4 with the interveners?

5 A. I don't recall.

6 Q. Okay. I know you did not participate
7 in a meeting at the attorney general's office on
8 April the 30th. Is that correct?

9 A. That's correct.

10 Q. Were you aware of such a meeting?

11 A. As I sit here today, I don't recall.

12 Q. Fair enough. Next week, the hearings
13 actually begin, May 4th, 5th and 6th. Can you tell
14 me what your role was with regard to those hearings?

15 A. The same, to be certain that the
16 company's case was well and ably presented.

17 Q. Were you there through some of the
18 evenings for discussions with the interveners?

19 A. Let me ask for a clarification of the
20 question.

21 Q. Sure.

22 A. Was this at a time that the parties
23 were broadly engaged in settlement discussions?

24 Q. Yes.

25 A. Yes.

1 Q. Okay. As I understood it, on several
2 of these days there was testimony taken, and then
3 discussions would ensue. And that was sort of a
4 reoccurring pattern. Is that a fair statement?

5 A. Yes.

6 Q. Okay. Do you have a recollection of
7 the date in particular when the LG&E staff thought
8 the matter had been resolved? When I say "the
9 matter," the issues related to the rate case early in
10 the morning? Do you have a recollection of that?

11 A. I have a recollection that we reached
12 agreement with all of the parties on the significant
13 issues in the rate case, or believed we had done so.
14 I can't recall if that was an evening or a morning
15 where we reached that conclusion. But broadly
16 speaking, I do have a recollection that that was our
17 belief.

18 Q. All right. Do you have a recollection
19 that subsequently you learned that there was not
20 agreement?

21 A. I do.

22 Q. Okay. Tell me what you recall of that
23 state of events.

24 A. My recollection is that -- and
25 obviously times are not specific, but that late on a

1 night -- late in the week -- and I want to say
2 Thursday night, but I can't recall that with
3 specificity -- we reached agreement. We left and
4 communicated that within the client group at LG&E.
5 The following morning I recall -- I think it was
6 Dennis Howard, but I may be incorrect on that --
7 preceding the attorney general -- representing that
8 the attorney general, in fact, did not agree with the
9 settlement that had been reached. I can't recall
10 specifically how that was communicated. I can recall
11 being very surprised by that. That's the best of my
12 recollection.

13 Q. Okay. Do you have a recollection that
14 after the team learned that the attorney general was
15 not in agreement what transpired after that?

16 A. I have a recollection that at some
17 point -- well, I have a number of recollections --

18 Q. Okay.

19 A. -- to be directly responsive to your
20 question. There was -- there were statements taken
21 on the record by the Public Service Commission. I
22 can't recall if it was that morning in particular.
23 Allegations of ex parte communications were broadly
24 being articulated by the attorney general's office.
25 I can't recall anyone specifically at this moment. I

1 cannot remember when Attorney General Stumbo made his
2 formal announcement in front of the media, but it was
3 shortly after that that the Public Service
4 Commission, with our support and complete
5 endorsement -- not that it was a prerequisite to
6 it -- went on the record and asked each of the
7 parties to the negotiations to affirmatively state on
8 the record whether they were aware of any ex parte
9 communications or collusive behavior, to which each
10 responded emphatically there were not. I have that
11 general recollection.

12 Q. Okay. Do you recall in terms of time
13 frame whether that was on the last full day that
14 testimony was taken or not?

15 A. I recall those proceedings generally,
16 and I cannot recall if testimony was taken after
17 those -- those statements were made on the record.

18 Q. Fair enough. Do you recall coming
19 back to the Public Service Commission the next week
20 for further proceedings?

21 A. Yes.

22 Q. With regard to the testimony
23 submitted, did you develop an understanding that
24 ultimately there was agreement by all the parties on
25 all the issues, except for the attorney general on

1 the particular issue of revenue requirements for
2 electricity?

3 A. Yes.

4 Q. Okay. And do I take it that the
5 record that was finally submitted to the Public
6 Service Commission was a stipulated agreement, except
7 for the attorney general?

8 A. That's correct.

9 Q. Okay. And do you subsequently recall
10 in June of 2004 the ruling of the Public Service
11 Commission?

12 A. Broadly, yes.

13 Q. Okay. And did they endorse the
14 agreement, to the best of your recollection?

15 A. They did.

16 Q. Okay. Fair enough. Now, with regard
17 to you, from the time the hearings began until the
18 Public Service Commission issued its ruling -- and
19 I'm representing that's in June -- mid June of
20 2004 -- did you have any contact or communication
21 with the staff, as we've defined it, of the Public
22 Service Commission about the two rate cases?

23 A. Other than in the context of a formal
24 filing or any proceeding?

25 Q. Yes.

1 A. I did not.

2 Q. Okay. And let me ask you the same
3 question with regard to the members of the Public
4 Service Commission. Any communication or contact
5 with them other than in the course of the proceeding?

6 A. I did not.

7 Q. Okay. Finally, in case it was
8 unclear, did you have any contact with Mr. Dorman,
9 Tom Dorman, during that same period of time about the
10 rate cases?

11 A. In the same context?

12 Q. Yes.

13 A. Other than an appearance or as part of
14 the formal procedure, no.

15 Q. Okay. Do you know who Ms. Beth
16 O'Donnell is?

17 A. Yes.

18 Q. Okay. Have you met her?

19 A. I believe that I have.

20 Q. Okay. I'm representing to you she is
21 the executive director now and took over the job of
22 Mr. Dorman and would have been there for part of this
23 period of time. Do you recall any conversations with
24 her about the rate cases from April 28, 2004,
25 informal conference, to decision, June 15, 2004?

1 A. I had no such communication.

2 Q. Okay. Are you familiar with the legal
3 case of Louisville Gas & Electric versus Cowan?

4 A. Generally.

5 Q. Okay. Are you familiar with the
6 admonitions as it relates to ex parte communications
7 and, quote, inappropriate behavior?

8 A. I am aware of our ethical legal
9 obligation regarding communications with the Public
10 Service Commission regarding matters before them,
11 yes.

12 Q. Okay. And I asked this question of
13 Mr. McCall yesterday, and he gave us his vision of
14 that case and its teachings and how it is
15 incorporated at Louisville Gas & Electric. Do you
16 have a recollection of that being the case also?

17 A. I can tell you broadly that having a
18 conversation with a member of the Public Service
19 Commission staff, Public Service Commission, about an
20 open matter while that case is pending, that goes to
21 the merits of the case, would be inconsistent with
22 what LG&E employees, KU employees, all of our
23 employees are -- without getting into the issue of
24 attorney advice, broadly that is a policy that is
25 followed and is expected to be followed by every

1 employee of the company.

2 Q. Okay. Fair enough. Let me ask you
3 about another issue that may or may not have been
4 pending for discussion purposes before the Public
5 Service Commission at the same time. Are you
6 familiar with an issue relating to transmission lines
7 over the Gene Snyder Freeway?

8 A. Yes.

9 Q. Tell me what you recall about that
10 particular issue.

11 A. It's a broad issue. It's an issue
12 that -- to be precise, there's a matter pending in --
13 well, actually there's a decision that's on appeal
14 from the Jefferson Circuit Court where we've sought
15 discretionary review by the Supreme Court. Is that
16 the matter that you're referring to?

17 Q. Yes, ma'am.

18 A. It is a case that is currently in
19 litigation on appeal.

20 Q. With regard to where it was
21 procedurally in the year 2004, do you have a
22 recollection that issues related to transmission
23 lines on the Gene Snyder were under discussion with
24 not only developers, but with the Public Service
25 Commission in the summer of 2004?

1 A. I don't recall whether they were under
2 discussion at that time.

3 Q. Specifically, do you recall attending
4 any meetings in April and May 2004 at the Public
5 Service Commission with Public Service Commission
6 personnel, LG&E personnel and developers?

7 A. I did not attend those meetings.

8 MR. GOLDBERG: Fair enough. That's
9 all I have, ma'am.

10 THE WITNESS: Good.

11 MR. GOLDBERG: Thank you.

12 THE WITNESS: Thank you.

13

14 (STATEMENT CONCLUDED AT 9:40 A.M.)

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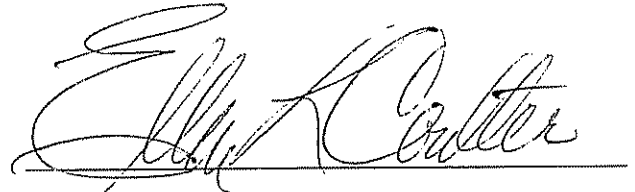
1 STATE OF KENTUCKY)(
)(SS:
 2 COUNTY OF JEFFERSON)(
 3

4 I, ELLEN L. COULTER, Notary Public,
 5 State of Kentucky at Large, hereby certify that the
 6 foregoing sworn statement was taken at the time and
 7 place stated in the caption; that the appearances
 8 were as set forth in the caption; that prior to
 9 giving testimony the witness was first duly sworn by
 me; that said testimony was taken down by me in
 10 stenographic notes and thereafter reduced under my
 11 supervision to the foregoing typewritten pages and
 12 that said typewritten transcript is a true, accurate
 13 and complete record of my stenographic notes so
 14 taken.

10 I further certify that I am not
 11 related by blood or marriage to any of the parties
 12 hereto and that I have no interest in the outcome of
 13 captioned case.

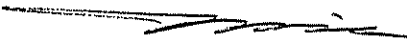
12 My commission as Notary Public expires
 13 November 5, 2007.

13 Given under my hand this the 8th
 14 day of August, 2005, at Louisville,
 15 Kentucky.

16 
 17

18 ELLEN L. COULTER
 19 NOTARY PUBLIC
 20
 21
 22
 23
 24
 25

1 I, the undersigned, DOROTHY O'BRIEN, do
2 hereby certify that I have read the foregoing sworn
3 statement, and that, to the best of my knowledge,
4 said sworn statement is true and accurate, with the
5 exception of the corrections, if any, listed on the
6 errata sheet.

7
8 

9 DOROTHY O'BRIEN

10
11 Subscribed and sworn to before me this 30th
12 day of August, 2005.

13
14
15 
16 NOTARY PUBLIC

17
18
19 My commission expires Dec. 24, 2007
20
21
22
23
24
25

COULTER REPORTING, LLC
101 EAST KENTUCKY STREET, SUITE 200
LOUISVILLE, KY 40203

ERRATA SHEET

NAME Dorothy O'Brien DATE OF DEPOSITION July 29, 2005

After having read my deposition, I wish to make the following changes: None

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Reason for change _____

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